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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,584	06/09/2000	Peter T Dietz	55434USA1A.002	2946

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EXAMINER

VO, HAI

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/591,584

Applicant(s)

DIETZ, PETER T

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 12, 13, 15-17, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutchison (US 5,118,540). Hutchison discloses a reflective film mounted on a glass substrate having a layer construction as follows, a coating with a slip agent, a biaxially oriented polyethylene terephthalate (PET), an acrylic adhesive layer, a silver layer, a biaxially oriented PET, an acrylic adhesive layer and a glass substrate (example 5 and figures 3 and 6). The biaxially oriented PET is about 38 microns thick (column 10, line 18). With regard to claim 5, Hutchison shows that the film having three PET layers (example 6). Hutchison is silent as to the test, light transmission of the film and modulus strength of the adhesive. However, since the laminate of Hutchison is structurally the same, and made of the same materials as the presently claimed composite. It is the examiner's position that the light transmission and passing a test would be inherently present. Further, Hutchison is using the same acrylic adhesive as Applicant, the modulus strength of the adhesive would be inherently present.
3. Claims 1-5, 7, 8, 12, 13, 15-17 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Teddington, Jr., (US 5,645,940). Teddington, Jr., discloses a

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reflective film mounted on a glass substrate having a layer construction as follows, a glass layer, an adhesive layer, a coating layer including a first, polyester ply, a second, reflective polyester ply, and a third, scratch-resistant polyester ply (figures 2 and 3). The polyester plies include intercleaved clear adhesive layers which hold the coating together (column 5, lines 45-50). The polyester ply is about 1 to 2 mils thick (column 5, line 20). Teddington, Jr. is silent as to the test, light transmission of the film, and modulus strength of the adhesive. However, since the laminate of Teddington, Jr. is structurally the same, and made of the same materials as the presently claimed composite. It is the examiner's position that the light transmission and passing a test would be inherently present. Further, <sup>Teddington</sup> Hutchison is using the same acrylic adhesive as Applicant, the modulus strength of the adhesive would be inherently present.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) or Teddington, Jr., (US 5,645,940), as applied to claim 1 above, in view of Bilkadi et al (US 5,677,050). The primary reference is silent as to a cured ceramer of a hard coating. Bilkadi supplies the missing feature (abstract). It would have been obvious to one having ordinary skill in the art at the

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time the invention was made to have included a cured ceramer into a hard coating motivated by the desire to obtain a coating that is excellent in abrasion resistance and outdoor durability.

Claims 9-11, 14, and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) or Teddington, Jr., (US 5,645,940), in view of Yang et al (US 6,013,722). The primary reference does not teach the presence of a crosslinker in the attachable pressure sensitive adhesive. Yang teaches a low haze acrylic emulsion pressure sensitive adhesive for use in optical articles comprising a cross-linking agent (column 4, lines 1-5). Yang teaches an adhesive coated film having a percent haze less than 2 % and light transmission 98.1% (table 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a cross-linking agent into the attachable pressure sensitive adhesive of the window film motivated by the desire to obtain a laminate that exhibits low haze when adhered to glass surface.

With regard to claim 10, Hutchison is silent as to the tempered glass. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount a reflective film on a tempered window glass because a tempered glass glazing unit is conventional to glass window art. Teddington, Jr. teaches the tempered glass (column 3, line 30).

With regard to claims 18-21, see the inherency rationale in the paragraph no. 2.

***Response to Arguments***

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6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Monday to Friday, 8:30 to 5:00 (EAST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV  
September 22, 2002



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700